

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

CORBAY JONES

PLAINTIFF

VS.

CIVIL ACTION NO. 2:22-CV-93-KS-MTP

**JONES COUNTY, MS; SHERIFF JOE
BERLIN; DEPUTY JAMES MANN; SGT.
JESSE JAMES; DEPUTY COLTON
DENNIS; CAROL JOHNSTON;
JANET HENDERSON; AND
DEPUTY MEKEDES COLEMAN**

DEFENDANTS

**JOINDER IN JONES COUNTY, MS, SHERIFF JOE BERLIN, AND JENNIFER
HENDERSON'S MOTION TO DISMISS FOR LACK OF STANDING**

COME NOW DEFENDANTS DEPUTY JAMES MANN, SGT. JESSE JAMES, DEPUTY COLTON DENNIS, and CAROL JOHNSTON, and submit this Joinder to Jones County, MS, Sheriff Joe Berlin, and Jennifer Henderson's Motion to Dismiss for Lack of Standing [**Doc. 58**], to-wit, adopting all applicable law and authorities cited by those Defendants.

As explained in that motion, this Court lacks jurisdiction over the claims, as plead, by Corbey Jones against Deputy James Mann, Sgt, Jesse James, Deputy Colton Dennis, and Carol Johnston, as the only claims pled are those which could have been raised by the Decedent himself, *i.e.* survival claims. Because no estate was ever opened, the Plaintiff cannot do this. Additionally, because the Plaintiff cannot show that Defendants' alleged wrongful conduct *proximately caused* the Decedent's death. This is because "a wrongful death action cannot be maintained unless the defendant's conduct *is the cause of the decedent's death.*" *Phillips v. Monroe Cty.*, 311 F.3d 369, 374 (5th Cir. 2002)(emphasis added). Because none of the Defendants herein were the cause of the Decedent's death, the Plaintiffs' claims cannot stand.

RESPECTFULLY SUBMITTED, this the 16th day of May, 2023.

JACKS| GRIFFITH| LUCIANO, P.A.

By: /s/ **Bethany A. Tarpley**
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CERTIFICATE OF SERVICE

I, Bethany A. Tarpley, attorney of record for Defendants, Deputy James Mann, Sgt. Jesse James, Deputy Colton Dennis, and Carol Johnston, Individually, do hereby certify that I have this day caused a true and correct copy of the above and foregoing *Joinder* to be delivered by the ECF Filing System which gave notice to the following:

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DATED this 16th day of May, 2023.

/s/ Bethany A. Tarpley
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